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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,338	11/08/2001	Hajime Terasaki	011500	5203

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EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT PAPER NUMBER

2612

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/986,338

Applicant(s)

TERASAKI ET AL.

Examiner

LUONG T. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 3-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Species I, Figures 1-6, claims 1 and 2 in the reply filed on 6/13/2005 is acknowledged.
2. Claims 3-11 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 6/13/2005.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

4. The disclosure is objected to because of the following informalities:

Figure 17 and the third embodiment (as shown in Figures 12-13) are different because Figure 17 discloses video camera part 11 is mounted on phone body 1 while Figures 12-13 discloses video camera part 29 is provided on the hinge part of arm 23. Therefore, Figure 17 cannot be the third embodiment.

Therefore, in the specification, page 7, line 16, "Fig. 17 is a rear view illustrating the mobile of the third embodiment" should be changed to --Fig. 17 is a rear view illustrating the mobile of a fourth embodiment--.

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In the specification, page 9, line 11, "folding part 4c" should be changed to --folding part 4b--.

On page 13, lines 21, 22, "prism 3" should be changed to --prism 3c--.

On page 17, lines 16, 17, "date" should be changed to --data--.

On page 18, line 1, "date" should be changed to --data--.

On page 28, lines 9, 12, 13, "prism 3" should be changed to --prism 3c--.

On page 35, line 19, "display eyepiece part 6b(3b)" should be changed to --display eyepiece part 6a(3b)--.

Appropriate correction is required.

Claim Objections

5. Claim 2 is objected to because of the following informalities:

Claim 2 (line 4), "an eyepiece" should be changed to --the eyepiece--.

Claim 2 (lines 6-7), "and the optical system on an image information driving side" should be changed to --and the optical system on the image information driving part side--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kleinschmidt et al. (U. S. Patent No. 6,085,112) in view of Spitzer (U. S. Patent No. 6,349,001).

Regarding claim 1, Kleinschmidt et al. discloses a mobile phone (communication device K, Figure 5, Column 6, Lines 64-67) provided with a video camera (camera CAM, Figure 6, Column 7, Lines 65-67) comprising:

a phone body having a wireless transmitting and receiving function of an image and sound (Figures 5-6, communication device K has communication interface Komm for transmitting audio and video, Column 8, Lines 60-67, Column 4, Lines 10-14, Column 5, Lines 35-40),

a virtual image optical display device for forming a virtual image on a retina of an eye of a user by passing image information from an image information driving part through an imaging optical system (display device BAV5, Figure 5, Column 7, Lines 1-43),

an arm foldably provided to the phone body through a hinge (foldable image display device BAV5, which is attached on an arm in Figure 5, Column 7, Lines 1-8),

an eyepiece part of the virtual image optical display device provided to the arm (an eyepiece part is included in image display BV5, Figure 5),

a video camera part (camera CAM, Column 7, Lines 23-25, 6-67, Figure 6) mounted to the phone body,

a length between a position of the phone body which is contact with the ear of the user and the hinge, an angle between the arm and the phone body when the phone is used, a length of the arm are determined so as to have ergonomically optimum relations with each other

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(Figure 5 shows a position when communication K is used, this position allows the user views an object at a comfortable visual distance, Column 7, Lines 15-23).

Kleinschmidt et al. fails to specifically disclose a video camera part mounted to the phone body so that a direction of the eye of the user and a direction for taking an image are parallel or approximately parallel when the arm is opened. However, Spitzer teaching camera 210 is mounted on the temple 205 of eyeglasses 250 so that the field viewed by the camera 250 overlaps the field viewed by the user (the direction of the eye of the user and a direction for taking image are approximately parallel), Figure 2, Column 4, Lines 46-65). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Kleinschmidt et al. by the teaching of Spitzer in order to places the filed of view of the camera in proximity to or convergent with the operator's field of view, so that the camera records the visual filed observed by the user and allows the camera to have the same line of sight as the user's eye, without parallax error (Column 2, Lines 60-65).

Allowable Subject Matter

8. Claim 2 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 2, the prior art of the record fails to show or fairly suggest a mobile phone provided with a video camera, wherein an imaging optical system (i.e., optical system 4, Figure 1) of the virtual image optical display device (i.e., virtual image optical display device 2,

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Figure 1) is separate into an optical system (i.e., optical system 4a, Figure 1) on an image information driving part side and an optical system (i.e., optical system 4c, Figure 1) on an eyepiece part side via a folding part, the optical system on an eyepiece part side is mounted on the arm (i.e., arm 6, Figure 1) foldably provided to the phone body through the hinge, and the optical system on the image information driving part side and the image information driving part (i.e., image information driving part 3, Figure 1) are mounted in the phone body.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Reitmaa et al. (U. S. Patent No. 6,424,843) discloses multi-function telecommunication device.

Siddoway et al. (U. S. Patent No. 6,473,631) discloses video swivel phone.

Lee et al. (U. S. Patent No. 6,785,562) discloses wireless device and method of operating the same.

Roustaei et al. (U. S. Patent Application No. 2001/0034222) discloses image capture and processing accessory.

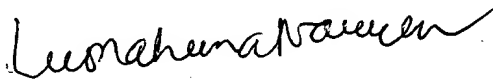
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T. NGUYEN whose telephone number is (571) 272-7315. The examiner can normally be reached on 7:30AM - 5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WENDY GARBER can be reached on (571) 272-7308. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN
06/26/2005



LUONG T. NGUYEN
PATENT EXAMINER